

Atty Dkt. No.: PALO-001
USSN: 10/661,368

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-33 and 37-80; the only claims pending and under examination.

Claims 1, 63 and 64 have been amended to specify that the ratio is changed to a ratio analogous to that observed in a healthy subject, support for this amendment being found in paragraph 16 of the application as filed. As no new matter has been added by the above amendments, the Examiner is respectfully requested to enter the above amendments.

Claim Rejections under 35 USC § 102(e)

In the Office Action, Claims 1-11, 18, 21, 24, 26, 30-33, 37-39, 63, 64, 74, 76 and 80 were rejected under 35 U.S.C. §102(e) as being anticipated by King et al (2004/0210261).

Without any intention to acquiesce to the correctness of this rejection, Claims 1, 63 and 64 have been amended to specify the ratio that is achieved. It is not seen where in King any specific target ratio is described. Accordingly, this rejection may be withdrawn.

Claim Rejections under 35 USC § 103(a)

Claims 40-44 and 48-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. in view of Hill et al. (USPN 6628987). Each of Claims 40-44 and 48-51 include the subject matter Claim 1. In view of the amendment to Claim 1, this rejection may be withdrawn.

Claims 45-47 and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. Each of Claims 45-45 and 52 include the subject matter from Claim 1. In view of the amendment to Claim 1, this rejection may be withdrawn.

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CONCLUSION

The Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number PALO-001.

Respectfully submitted,
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